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09/852,360	05/09/2001	Gopikrishna T. Kumar	10007291-1	4719

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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08/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/852,360

Applicant(s)

KUMAR ET AL.

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This action is in response to the communication filed on 11/3/06.

Claims 1 – 13 are pending.

The applicant's have made no claim amendments. The claim rejections under 35 USC §102(e) and 35 USC §103(a) as set forth within the Office Actions of 9/7/06 and 1/22/07 are maintained in view of the applicant's arguments set forth below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over**  
**Nguyen et al. (Nguyen), "System, Method, and Article of Manufacture for a**  
**Gateways System Architecture with System Administration Information**  
**Accessible from a Browser", U.S. Patent 5,931,917 in view of Davis et al. (Davis),**  
**U.S. Patent 6,367,009.**

Regarding claim 1, Nguyen discloses:

1        *generating at the gateway module respective first session identifiers upon receipt*  
2        *of initial requests from the communication devices (63:32-34,38-40 – notice initial*  
3        *requests from communication devices) at the gateway module and transmitting the first*  
4        *session identifiers to the application program (fig. 20b, 20c; 65:28-48 – notice generated*  
5        *first session identifiers uniquely identifying an individual transaction that has been*  
6        *submitted by one of the communication devices);*

7        *associating the first session identifiers with corresponding second session*  
8        *identifiers from the application program at the gateway module (19:4-9; 20:10-22; fig.*  
9        *20:2005; 81:20-30,52 – notice the first session identifier corresponding to the bank*  
10       *(application) is associated with the second session identifier, furthermore it also can be*  
11       *noted that the first session identifier is found within the encrypted capture token issued*  
12       *by the bank, the capture token transmitted back to the application by the gateway).*

13       *wherein respective connections are established between the communications*  
14       *devices and the application program (fig. 22).*

15       *and in response to each subsequent communication from each device to the*  
16       *application program via the connection between the device and the application program*  
17       *while the connection is established, transmitting from the gateway module to the*  
18       *application program the second session identifier that is associated with the first session*  
19       *identifier of the devices of the subsequent communication (19:4-9; 20:10-22).*

20       Regarding claim 1, the examiner notes that Nguyen does not explicitly state that  
21       communication devices may be described as mobile. However, Nguyen makes clear

1 that a user may employ any computing device from any location in the world for the  
2 purpose of conducting commercial transactions (63:32-38).

3 Davis discloses that it was well known in the art for users to employ mobile  
4 computing devices to conduct commercial transactions (1:48-66; 8:44-67). It would  
5 have been obvious to one of ordinary skill in the art to recognize the teachings of Davis  
6 for *mobile* computing devices within the teachings of Nguyen for *any* computing device.  
7 This would have been obvious because one of ordinary skill in the art would have been  
8 motivated to employ known and useful methods of prior art.

9  
10 Regarding claim 2, the combination discloses:

11 *receiving requests of a first type from the mobile devices at the gateway module*  
12 *and transferring the first type requests to an authentication module that manages user*  
13 *authentication; and when a user at a mobile device has not logged-in to the*  
14 *authentication module, transmitting a log-in prompt from the authentication module to*  
15 *the mobile device in response to a request of the first type from the mobile device (figs.*  
16 *28, 29, 31).*

17  
18 Regarding claim 3, the combination discloses:

19 *generating at the authentication module respective authentication identifiers for*  
20 *the first session identifiers and associating the authentication identifiers with*  
21 *corresponding first session identifiers (88:24-44).*

22

1           Regarding claim 4, it is the apparatus implementing the method of claim 1, and it  
2 is rejected, at least, the same reasons.

3  
4           Regarding claim 5, it is rejected, at least, for the same reasons as claim 1, and  
5 furthermore, because the combination discloses the use of wireless communications  
6 between system elements (Davis, 1:48-66; 8:44-67).

7  
8           Regarding claim 6, the combination discloses:  
9           *receiving checkout requests from the wireless communication devices at the*  
10 *gateway module and transferring the checkout requests to a wallet module that*  
11 *manages user authentication* (Nguyen, fig. 28:2830, 2850-2882);

12           *when a user at a wireless communications device has logged-in to the wallet*  
13 *module, transmitting payment options from the wallet module to the wireless*  
14 *communications device in response to a checkout request from the wireless*  
15 *communications device* (Nguyen, fig. 27:2708,2704);

16           *when a user at a wireless communications device has not logged-in to the wallet*  
17 *module, transmitting a log-in prompt from the wallet module to the wireless*  
18 *communications device in response to a checkout request from the wireless*  
19 *communications device* (Nguyen, fig. 31).

20  
21           Regarding claims 6 and 7, they are rejected, at least, for the same reasons as  
22 claims 2 and 3.

Regarding claim 8, the combination discloses:

*in response to a payment request from a wireless communications device,  
transmitting the payment request from the gateway module to the merchant application*

(Nguyen, fig. 3, 28);

*disassociating the wireless session identifier from the corresponding merchant  
session identifier (66:25-30),*

*generating a new wireless session identifier for the wireless communications  
device when another initial request is received from the wireless communications device  
(see the above claims for repeating the disclosed process).*

Regarding claim 9, the combination discloses:

*clearing inactive entries from the wallet session identifier table (Nguyen, 66:25-  
30, 53-60).*

Regarding claim 10, it is rejected, at least, for the same reasons as claims 1 and

5.

Regarding claims 11 – 13, they are system implementing the method of claims 1  
– 3, and they are rejected, at least, for the same reasons.

**Response to Arguments**

Applicant's arguments filed 5/25/2007 have been fully considered but they are not persuasive.

Applicant asserts or argues primarily that:

(i) Prior art (Aziz) does not anticipate claims 1 – 4, 11 –13 of the claimed invention (Remarks, pages 2 – 4).

*The general transmission of session identifiers cited in the Office Action does not teach the specific claim limitations of transmitting from the gateway module to the application program the second session identifier that is associated with the first session identifier of the mobile device of each subsequent communication in response to each is associated with the first session identifier of the mobile device of the subsequent communication. That is, the second session identifier, which the application provided to the gateway, is transmitted back to the application from the gateway for the subsequent communications.* (Remarks, page 3)

In response, the examiner notes that the applicant's arguments comprise essentially the same arguments as were previously presented. Thus, the examiner respectfully directs that applicant's attention to the Final Office Action (9/7/06) for the response to these arguments.



1 Furthermore, the examiner respectfully reiterates that prior art clearly teaches  
2 establishing and maintaining corresponding ("associated") sessions between the client  
3 and relay (gateway) and the relay and server (application). These explicit teachings  
4 additionally show that these corresponding sessions are established and maintained  
5 using session identifiers.

6  
7 (ii) The prior art combination of Aziz, Davis, and Sparks does not render obvious the  
8 claims rejected under 35 USC § 103 (Remarks, pages 4, 5).

9  
10 In response, the examiner notes that the applicant's arguments comprise  
11 essentially the same arguments as were previously presented. Thus, the examiner  
12 respectfully directs that applicant's attention to the Final Office Action (9/7/06) for the  
13 response to these arguments.

14  
15 (iii) *However, there is no apparent suggestion in either of Aziz or Sparks that any*  
16 *disassociation takes place in response to a payment request as claimed. If the rejection*  
17 *is maintained, Applicant's respectfully request citation to those elements of Aziz and/or*  
18 *Sparks that suggest such as disassociation in response to a payment request.*  
19 (Remarks, page 5)

20  
21 In response to applicant's argument that the references fail to show certain  
22 features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., *disassociation in response to a payment request*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(iv) *Claims 1-13 are understood to be patentable under 35 USC §103(a) over "Nguyen" (U.S. Patent No. 5,931,917 to Nguyen et al.) in view of "Davis" (U.S. Patent No. 6,367,009 to Davis et al.).*

*For reference, Nguyen's gateway (FIG. 1B #140; FIG. 18A #1856; FIG. 22, #2240) does not appear to associate identifiers received from the bank host (FIG. 18A #1874; FIG. 20A, #2004) with identifiers for the clients 2000 (FIG. 20C). The claimed gateway associates the first session identifiers generated for the mobile devices with second session identifiers received from the application. Further distinctions are explained below. (Remarks, pages 5 – 7)*

In response, the examiner respectfully notes that the applicant appears to either misunderstand or mischaracterize the rejection of the Office, and the applicant's arguments are largely based upon such characterization or understanding. Namely, the applicant points to figures 1B and 18A to assert a gateway and application that could correspond to the claim recitations. However, it is noted that the examiner has not relied upon figures 1B and 18A nor the applicant's own characterization of the prior art.

1 Instead, the examiner has shown the prior art to reveal a system (fig. 20C, similarly fig.  
2 22) disclosing a plurality of clients (fig. 20C:2000) engaged in a corresponding plurality  
3 of customer-institution sessions (fig. 20C:2003) with an application (fig. 20C:2004) via a  
4 gateway (fig. 20C:2007). Second session identifiers from the application (fig. 20:2005)  
5 are associated with the first session identifiers (fig. 20C:2010, see also 64:36-38)  
6 generated by the gateway to uniquely represent a corresponding transaction request  
7 received from a client.

8  
9 (v) *The asserted motivation for combining Davis with Nguyen is unsupported by*  
10 *evidence and improper. The Office Action asserts that "it would have been obvious ... to*  
11 *recognize the teachings of Davis for mobile computing devices within the teachings of*  
12 *Nguyen for any computing device ... because one of ordinary skill in the art would have*  
13 *been motivated to employ known and useful methods of prior art." The asserted*  
14 *motivation is unsupported by evidence and lacks an explicit reason to combine the*  
15 *teachings. Thus, the asserted motivation is improper. (Remarks, pg. 8)*

16  
17 In response, the examiner notes that prior art has clearly and explicitly  
18 established that it was well known to those of ordinary skill for computing devices to  
19 employ wireless or mobile technology. It is obvious for one of ordinary skill in the art to  
20 employ well known, established, and successful techniques.

21  
22 **Conclusion**

1  
2       The prior art made of record and not relied upon is considered pertinent to  
3 applicant's disclosure:  
4

5       *See Notice of References Cited.*  
6

7       **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time  
8 policy as set forth in 37 CFR 1.136(a).

9       A shortened statutory period for reply to this final action is set to expire **THREE**  
10 **MONTHS** from the mailing date of this action. In the event a first reply is filed within  
11 **TWO MONTHS** of the mailing date of this final action and the advisory action is not  
12 mailed until after the end of the **THREE-MONTH** shortened statutory period, then the  
13 shortened statutory period will expire on the date the advisory action is mailed, and any  
14 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of  
15 the advisory action. In no event, however, will the statutory period for reply expire later  
16 than **SIX MONTHS** from the mailing date of this final action.

17       Any inquiry concerning this communication or earlier communications from the  
18 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-  
19 7965. The examiner can normally be reached on 8:30-5:00.

20       If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
21 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is (703)

872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

J. Williams

AU: 2137

*Matthew D. Smithers*  
Matthew Smithers  
Primary Examiner  
Art Unit 2137